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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,885	09/16/2005	Claudine Viegas Conrado	NL 030293	7551

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EXAMINER
SQUIRES, BRETT S

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
08/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,885	CONRADO ET AL.	
	Examiner	Art Unit	
	BRETT SQUIRES	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>04/30/07</u> .	6) <input type="checkbox"/> Other: _____ .

Drawings

1. The figure 1 is objected to because text labels are necessary for the applicant's drawings to be understood. The applicant's drawings contain rectangular boxes whose meanings are unclear instead of conventional drawing symbols whose meanings are readily apparent, such as the circuit elements that represent resistors, capacitors, or inductors. Accordingly, the rectangular boxes should have text labels for clarification purposes.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the various sections of the specification are not labeled with the appropriate section heading. Please see MPEP 608.01(a). Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because the claim is written as a European style two-part claim including a “characterizing” clause. Please MPEP 2111.03, for the appropriate transitional phrases that define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29-32 are generally narrative and indefinite, failing to conform with current U.S. practice. The claims are drawn toward an apparatus, however the claims describe the operation of an apparatus with no recitation of the structural elements that make up

the apparatus. For apparatus claims the claim limitations define physical structures or materials. See MPEP 2106 II. C. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 33-35 recite a “computer program product,” … “to be used on a computer comprising a computer readable medium.” The recitation of the intended use of the computer program product on a computer having a computer readable medium does not require the computer program product to be encoded on a computer-readable medium. Accordingly, the scope of the claims includes the computer program product by itself, which is function descriptive material and does not fall into at least one of the four statutory classes defined by 35 U.S.C. 101. The computer program product, only imparts functionality when employed as a computer component, such as when a computer program is recorded on a computer readable medium. If a claim covers material not found in any of those four categories, then the claim falls outside the plainly expressed scope of 35 U.S.C. 101, even if the subject matter is otherwise new and useful. See *In re Nujiten* 84 USPQ2d 1495 (Fed. Cir. 2007)

Claim 36 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 36 recites “a data signal,” which

includes physical but transitory forms of signal transmission, such as radio broadcasts, electrical signals, and light pulses through fiber optic cable, that do not fall into the four statutory class defined by 35 U.S.C. 101. If a claim covers material not found in any of those four categories, then the claim falls outside the plainly expressed scope of 35 U.S.C. 101, even if the subject matter is otherwise new and useful. See *In re Nuijten* 84 USPQ2d 1495 (Fed. Cir. 2007)

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-9, 12-19, 22-26, and 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. ("Privacy Enhanced Access Control by SPKI").

Regarding Claims 1-2, 5, 12-13, and 34-35:

Saito discloses privacy enhanced access control by simple public key infrastructure that associates user identifying information ("Subject Field of the SPKI Certificate" See pages 302-303 section II. B1.) and data ("Authorization Field of the SPKI Certificate" See pages 302-303) using concealing data ("Hash Function" See pages 302-303 section II. B1.) to conceal a user identity in the user identifying information, such that it is possible to check for a given user identity whether the association applies to it ("Comparison against ID Certificate" See page 301 section I.).

Regarding Claims 6-8:

Saito discloses an issuing agent (See figure 5 ref. no. A) receives a request for an association from a client (See figure 5 ref. no. C) and the issuing agent provides an association signed by its own secret key to the client (See pages 304-305 Section III. B.).

Regarding Claim 14:

Saito discloses the privacy enhanced access control by simple public key infrastructure operates in internet and electronic commerce applications (See page 301 abstract). The examiner respectfully points out that pay per access content is available on the internet in electronic commerce applications.

Regarding Claim 15:

Saito discloses the authorization field of the SPKI Certificate has a content identifier ("File1, File2" See pages 302-303 section II. B1.)

Regarding Claim 16:

Saito discloses the SPKI Certificate includes a rights attributes data field ("Validity" See pages 302-303 section II. B1.).

Regarding Claims 18-19:

Saito discloses sending a request in relation to the data including the concealed user identifying information ("Exercise and Service communication between the Server and the Client" See figure 5 and page 305 section III. B.).

Regarding Claims 22-25 and 33:

Saito discloses privacy enhanced access control by simple public key infrastructure that receives from a user a request concerning the data using user identifying information related to the user ("SPKI S' Certificate" and "SPKI A' Certificate" See figure 5 and pages 303-305 section III.), retrieves the association including user identifying information that has been concealed using concealing data ("Exercise" See pages 304-305 section III. B.), checks the concealed user identifying information in the association ("Exercise" See pages 304-305 section III. B.), and provides the user with information related to the data based on a correspondence between the concealed user identifying information in the association and the user identifying information at least linked to the user ("Exercise" and "Service" See pages 304-305 section III. B.).

Regarding Claim 26:

Saito discloses comparing the user identifying information of the user against a user domain certificate ("SPKI S' Certificate" See figure 5 and pages 304-305 section III. B.) including user identifying information related to all users in a domain ("The examiner respectfully points out that the amount of users in a domain can be as few as one."), wherein the step of checking concealed user identifying information in the association with user identifying information is performed on user identifying information in the domain certificate ("SPKI S' Certificate" and "SPKI A' Certificate" See figure 5 and pages 304-305 section III. B.), and the step of providing is performed based on a correspondence between the concealed user identifying information in the association and any user identifying information in the domain certificate ("Secure Downloading" See pages 304-305 section III. B.).

Regarding Claim 29:

Saito discloses device ("Issuing Agent Computer" ref. no. A) arranged to conceal user identifying information ("Subject Field of the SPKI Certificate" See pages 302-303 section II. B1.) using concealing data ("Hash Function" See pages 302-303 section II. B1.) for provision of the concealed user identifying information in the association.

Regarding Claim 30:

Saito discloses a device ("Server" See figure 5 ref. no. S) arranged to receive a request ("Exercise" See pages 304-305 section III. B.) from a user concerning the data including user identifying information relating to the user ("SPKI A' Certificate" See figure 5 and pages 303-305 section III.), retrieve an association between the data and a user including user identifying information which has been concealed using concealing data ("Subject Field of the SPKI Certificate" and "Authorization Field of the SPKI Certificate" See pages 302-303 Section II.), check the concealed user identifying information in the association ("The server verifies the properness of certificates," See pages 304-305 section III. B.), provide the user with information related to the data based on a correspondence between the concealed user identifying information in the association and user identifying information at least linked to the user ("Secure Downloading" See pages 304-305 section III. B.).

Regarding Claim 31:

Saito discloses a device ("Client Computer" See figure 5 ref. no. C) arranged to receive user identifying information related to a user ("SPKI S' Certificate" and "SPKI A' Certificate" See figure 5 and pages 303-305 section III.) that has been concealed using

concealing data ("Hash Function" See pages 302-303 section II. B1.), send a request concerning that data including the concealed user identifying information ("Exercise" See figure 5 ref. no. 4 and page 305), so that an association between the user and the data comprising the concealed user identifying information can be received ("The server verifies the properness of certificates," See pages 304-305 section III. B.).

Regarding Claim 32:

Saito discloses a device ("Server" See figure 5 ref. no. 5) arranged to receive a request concerning the data including the user identifying information which has been concealed using concealing data ("Exercise" See figure 5 ref. no. 4 and page 305), and provide an association between the user and the data comprising the concealed user identifying information ("The server verifies the properness of certificates," See pages 304-305 section III. B.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 10-11, 20-21, 27-28 are rejected under 35 U.S.C. 103(a) as being obvious over Saito et al. ("Privacy Enhanced Access Control by SPKI") in view of Alldredge (US 2007.0189542).

Regarding Claims 3 and 10-11:

Saito discloses the above stated privacy enhanced access control by simple public key infrastructure that conceals a user identity using a hash function.

Saito does not disclose concealing a user identity using encryption.

Alldredge discloses a cryptographic system that encrypts a users message using a symmetric key (See paragraph 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the privacy enhanced access control by simple public key infrastructure symmetric key based encryption such as that taught by Alldredge in order to achieve privacy between a message sender and a message receiver (See Alldredge paragraph 7).

Regarding Claim 4:

Saito discloses the above stated privacy enhanced access control by simple public key infrastructure that conceals a user identity using a hash function.

Saito does not disclose the concealing data includes a random value.

Alldredge discloses a method for secured electronic commerce using sequences of one time pads for concealing transmitted messages (See paragraphs 25 and 60)

It would have been obvious to one of ordinary skill in the art at the time of the invention to included in the privacy enhanced access control by simple public key infrastructure concealing transmitted messages using one time pads such as that taught by Alldredge in order to allow the privacy enhanced access control by simple public key infrastructure to be used internationally (See paragraph 19).

Regarding Claims 20-21 and 27-28:

Saito discloses the above stated privacy enhanced access control by simple public key infrastructure sending a request in relation to the data including the concealed user identifying information.

Saito does not disclose the request includes a secret security identifier and encrypting the concealing data using a secret domain key.

Alldredge discloses a cryptographic system that includes a secret security identifier ("Symmetric Key" See paragraphs 10 and 11) with a message and encrypts the message containing the secret security identifier using secret domain key ("Recipient's Public Key" See paragraphs 10 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the privacy enhanced access control by simple public key infrastructure a symmetric key system and an asymmetric key system such as those taught by Alldredge in order to achieve privacy between a message sender and a message receiver (See Alldredge paragraph 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:00am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131